

# HOUSE BILL No. 1320

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 13-11-2; IC 13-15-3; IC 13-15-7-1.

**Synopsis:** Landfill permits. Provides that a person that holds a valid permit for the construction or operation of a landfill but that has not commenced construction within two years or operation within four years after the permit date must apply for a new landfill permit and meet the requirements of all applicable environmental laws existing at the time the new permit is sought if the person: (1) intends to commence construction or operation; or (2) applies for renewal of a permit. Allows the commissioner of the department of environmental management to revoke or modify a landfill permit if a person fails to act under the permit before the statutory deadline.

**Effective:** January 1, 2007 (retroactive).

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**Lutz J, Grubb**

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January 16, 2007, read first time and referred to Committee on Rules and Legislative Procedures.

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Introduced

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

## HOUSE BILL No. 1320

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A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 13-11-2-101 IS AMENDED TO READ AS  
2       FOLLOWS [EFFECTIVE JANUARY 1, 2007 (RETROACTIVE)]:  
3       Sec. 101. "Hazardous waste landfill", for purposes of **IC 13-15-3**,  
4       **IC 13-15-7, and** IC 13-22-9, means a hazardous waste disposal facility  
5       at which hazardous waste is deposited on or beneath the surface of the  
6       ground as an intended place of final location.

7       SECTION 2. IC 13-11-2-116, AS AMENDED BY P.L.131-2006,  
8       SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
9       JANUARY 1, 2007 (RETROACTIVE)]: Sec. 116. (a) "Landfill", for  
10      purposes of IC 13-20-2 and IC 13-20-24, means a solid waste disposal  
11      facility at which solid waste is deposited on or beneath the surface of  
12      the ground as an intended place of final location.

13      (b) "Landfill", for purposes of section 114.2 of this chapter,  
14      **IC 13-15-3, IC 13-15-7, and** IC 13-20-11, means a facility operated  
15      under a permit issued under IC 13-15-3 or IC 13-7-10 (before its  
16      repeal) at which solid waste is disposed of by placement on or under  
17      the surface of the ground.



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(c) "Landfill", for purposes of section 82 of this chapter and IC 13-21, means a solid waste disposal facility at which solid waste is deposited on or in the ground as an intended place of final location. The term does not include the following:

(1) A site that is devoted solely to receiving one (1) or more of the following:

(A) Fill dirt.

(B) Vegetative matter subject to disposal as a result of:

(i) landscaping;

(ii) yard maintenance;

(iii) land clearing; or

(iv) any combination of activities referred to in this clause.

(2) A facility receiving waste that is regulated under the following:

(A) IC 13-22-1 through IC 13-22-8.

(B) IC 13-22-13 through IC 13-22-14.

SECTION 3. IC 13-15-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007 (RETROACTIVE)]:  
Sec. 2. (a) **Except as provided in subsections (c) and (d),** a permit issued under:

(1) this article (except IC 13-15-9);

(2) IC 13-17-11;

(3) IC 13-18-18; or

(4) IC 13-20-1;

may be issued for any period determined by the department to be appropriate but not to exceed five (5) years.

(b) Except as provided in federal law, a valid permit that has been issued under this chapter that concerns an activity of a continuing nature may be renewed for a period of not more than ten (10) years as determined by the department. The board shall adopt rules implementing this subsection.

**(c) A person that:**

**(1) holds a valid construction permit issued under this chapter for:**

**(A) a hazardous waste landfill; or**

**(B) a landfill; and**

**(2) has not commenced construction within two (2) years after the date of the permit;**

**must apply for a new construction permit and meet the requirements of all applicable environmental laws existing at the time the new permit is sought.**

**(d) A person that:**

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**(1) holds a valid operating permit issued under this chapter for:**

**(A) a hazardous waste landfill; or**

**(B) a landfill; and**

**(2) has not commenced operation within four (4) years after the date of the permit;**

**must apply for a new operating permit and meet the requirements of all applicable environmental laws existing at the time the new permit is sought.**

~~(c)~~ **(e)** The commissioner may delegate authority to issue or deny permits to a designated staff member.

SECTION 4. IC 13-15-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007 (RETROACTIVE)]:

Sec. 6. (a) When a person holding a valid permit concerning an activity of a continuing nature has made a timely and sufficient application for a renewal or a new permit in accordance with rules of one (1) of the boards, the existing permit does not expire until a final determination on the application has been made by the department. However, the commissioner may seek injunctive relief with regard to the continuing activity of the permit applicant while the permit application is pending if the continuing activity of the permit applicant constitutes a threat to the public health, safety, or welfare.

**(b) If a person holding a valid construction permit concerning:**

**(1) a hazardous waste landfill; or**

**(2) a landfill;**

**seeks a renewal of the permit and has not commenced construction of the facility, the person must submit a new construction permit application that complies with environmental laws existing at the time the new permit is sought.**

**(c) If a person holding a valid operating permit concerning:**

**(1) a hazardous waste landfill; or**

**(2) a landfill;**

**seeks a renewal of the permit and has not commenced operation, the person must submit a new operating permit application that complies with environmental laws existing at the time the new permit is sought.**

~~(b)~~ **(d)** An application for renewal of a hazardous waste disposal facility operating permit under IC 13-22-3 must be submitted at least one hundred eighty (180) days before the expiration of the facility's current permit to be considered timely under this section.

SECTION 5. IC 13-15-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007 (RETROACTIVE)]:

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Sec. 1. Except as provided in sections 2 and 4 of this chapter, the commissioner or a designated staff member may revoke or modify a permit granted by the department under environmental management laws or IC 13-7 (before its repeal) for any of the following causes:

- (1) Violation of any condition of the permit.
- (2) Failure to disclose all of the relevant facts.
- (3) Any misrepresentation made in obtaining the permit.
- (4) Changes in circumstances relating to the permit that require either a temporary or permanent reduction in the discharge of contaminants.

**(5) Failure of a construction permit holder to commence construction on:**

**(A) a hazardous waste landfill; or**

**(B) a landfill;**

**for which the construction permit was issued within two (2) years after the date of the permit.**

**(6) Failure of an operating permit holder to commence operation of:**

**(A) a hazardous waste landfill; or**

**(B) a landfill;**

**for which the operating permit was issued within four (4) years after the date of the permit.**

**(7) Any other change, situation, or activity relating to the use of a permit that, in the judgment of the department, is not consistent with the following:**

**(A) The purposes of this title.**

**(B) Rules adopted by one (1) of the boards.**

**SECTION 6. [EFFECTIVE JANUARY 1, 2007 (RETROACTIVE)]  
IC 13-11-2-101, IC 13-11-2-116, IC 13-15-3-2, IC 13-15-3-6, and  
IC 13-15-7-1, all as amended by this act, apply only to the  
following:**

**(1) A permit issued pursuant to an application pending on  
January 1, 2007, for:**

**(A) a new permit; or**

**(B) renewal of a permit.**

**(2) A permit issued pursuant to an application submitted after  
January 1, 2007, for:**

**(A) a new permit; or**

**(B) renewal of a permit.**

**SECTION 7. An emergency is declared for this act.**

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